Wetmore, (obiter), 124 N. Y. 241; *Stone* v. *Westcott,* 18 R. I. 517. The Supreme Court of the United States adopted the same rule in *Jones* v. *Green,* 1 Wall. 330. But this court completely upset this rule in *Case* v. *Beauregard,* supra, by going so far as to say that in such a case even a judgment is unnecessary. In *Sage* v. *Memphis, etc., R. R.,* 125 U. S. 361, the court was of opinion that suing out execution is unnecessary where it would be "an idle ceremony."

EVIDENCE—SUFFICIENCY OF PROOF IN ACTIONS FOR LIBEL AND SLANDER.—In an action for slander for charging the plaintiff with "living" with another man and being a "sport," *held,* that something more than a preponderance of evidence was necessary to enable the plaintiff to recover. *Sterkx* v. *Sterkx* (La. 1915), 70 So. 428.

The question as to the degree of proof required in an action for libel or slander has usually arisen upon a plea of justification where the action was brought for imputing to the plaintiff the commission of a crime. In such cases, the courts have differed as to the rule which should be applied; but by the great weight of American authority, the rule now is that all that is required of the defendant is that he establish his justification by a preponderance of the evidence and not beyond a reasonable doubt. *Hearne* v. *De Young,* 119 Cal. 670, 52 Pac. 150, 499; *Tunnell* v. *Ferguson,* 17 Ill. App. 76; *Wintrode* v. *Renbarger,* 150 Ind. 556, 50 N. E. 570; *Sloan* v. *Gilbert,* 75 Ky. 51, 23 Am. St. Rep. 708; *Ellis* v. *Buzzell,* 60 Me. 209; *Peoples* v. *Evening News Ass'n,* 51 Mich. 11, 16 N. W. 185; *Edwards* v. *Geo. Knapp & Co.,* 97 Mo. 432, 10 S. W. 54; *Bell* v. *McGinness,* 41 Oh. St. 204; *Sacchitti* v. *Fehr,* 217 Pa. St. 475, 66 Atl. 742; *Lay* v. *Linke,* 122 Tenn. 433, 123 S. W. 746. The question as to whether the plaintiff in slander cases must make his case by more than a mere preponderance of evidence does not seem often to have arisen. *D'Echaux* v. *D'Echaux,* 133 La. 123, 62 So. 597. The contention has been made in other civil cases of a so-called criminal nature, but the rule has generally been repudiated. *Welch* v. *Jugenheimer,* 56 Ia. 11, 8 N. W. 673; WIGMORE, § 2498, though something more is sometimes required in cases of fraud. *Lalone* v. *United States,* 164 U. S. 255. But see *Nelms* v. *Steiner Bros.* 113 Ala. 562, 22 So. 435. The consequences of such actions are wholly civil and in no way criminal. Where all that is required of the defendant in slander cases is that he prove the commission of the crime by a preponderance of the evidence, *a fortiori,* no greater degree of proof would be required of the plaintiff in establishing his case. The instant case follows the holding in *D'Echaux* v. *D'Echaux,* supra, and all that is said in that case which is in point is quoted in the instant case. No authorities are cited to sustain the decision. It is submitted that the rule herein announced is not in accord with the weight of American authority and that the cases *contra* express the better rule.

HUSBAND AND WIFE—CONVEYANCE BY MARRIED WOMAN.—Article 10, § 6, of the Constitution of North Carolina provides that "the real * * * property of any female * * * may * * * with the written assent of her husband be conveyed by her as if she were unmarried." Public Laws of North Caro-